

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

TODD C. BANK, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

CARIBBEAN CRUISE LINE, INC.,

Defendant.

MEMORANDUM & ORDER
11-CV-2744 (MKB)

MARGO K. BRODIE, United States District Judge:

Plaintiff filed a Complaint on June 6, 2011, against Defendant Caribbean Cruise Line, Inc., asserting claims under the Florida Electronic Mail Communications Act, Fla. Stat. §§ 668.601–668/610. On September 24, 2012, Plaintiff filed a motion for class certification. By Report and Recommendation (“R&R”) dated July 24, 2013, Magistrate Judge Vicktor Pohorelsky recommended that the Court deny Plaintiff’s motion for class certification. (Docket Entry No. 76.) No objections were filed.

A district court reviewing a magistrate judge’s recommended ruling “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). “Failure to object to a magistrate judge’s report and recommendation within the prescribed time limit ‘may operate as a waiver of any further judicial review of the decision, as long as the parties receive clear notice of the consequences of their failure to object.’” *Sepe v. New York State Ins. Fund*, 466 F. App’x 49, 50 (2d Cir. 2012) (quoting *United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997)); *see also Wagner & Wagner, LLP v. Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile, P.C.*, 596 F.3d 84, 92 (2d Cir. 2010)

("[A] party waives appellate review of a decision in a magistrate judge's Report and Recommendation if the party fails to file timely objections designating the particular issue.").

This Court has reviewed the R&R, and, finding no clear error, the Court adopts Judge Pohorelsky's R&R in its entirety pursuant to 28 U.S.C. § 636(b)(1). Plaintiff's motion for class certification is denied.

SO ORDERED:

S/ MKB
MARGO K. BRODIE
United States District Judge

Dated: August 15, 2013
Brooklyn, New York